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AUG 31 2004

OFFICE OF PETITIONS

In re Application of	:	OFFICE OF PETITIONS
Jeffery Owen Phillips	:	
Application No. 10/795,860	:	
Filed: July 12, 2004	:	DECISION VACATING PREVIOUS
Attorney Docket No. 04242373	:	DECISION ON PETITION
Title: NOVEL SUBSTITUTED	:	
BENZIMIDAZOLE DOSAGE FORMS AND	:	
METHOD OF USING SAME	:	

On July 12, 2004, Petitioner submitted a petition which was granted via the mailing of a decision on August 23, 2004.

The decision set forth that Figures 1-5 would be entered, the application would receive a filing date of July 12, 2004, and the petition fee was charged to Petitioner's Deposit Account, as authorized in the petition.

It has since been determined that the Petitioner is not an authorized user of the Deposit Account.

As such, the petition fee was not submitted with the petition, and the previous decision which granted the petition is hereby **VACATED**.

The petition is **DISMISSED** for failure to submit the required petition fee.

Any reply must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition." This is not a final agency action within the meaning of 5 U.S.C 704.

The renewed petition should display "Please deliver to Paul Shanoski, c/o Office of Petitions" in a prominent manner.

To help assure prompt and proper attention to your response, please see Request for Alert Concerning Submitted Petitions, 1282 Official Gazette (May 18, 2004) for further information on how to assist the Office in delivering your submission to the correct location. The Petitioner may wish to consider telephoning the undersigned one month after the submission is made to confirm that the documents were properly delivered.

Any renewed petition may be submitted by mail¹, hand-delivery², or facsimile³.

The application file will be retained in the Office of Petitions for two (2) months.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0011. Please note that on approximately September 28, 2004, the Office of Petitions will relocate to the new PTO location in Alexandria. Although the mailing address will remain the same, the general phone number for the Office of Petitions which should be used for status requests will change to 571-272-3282, and the telephone number for the undersigned will change to 571-272-3225.



**Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office**

¹ Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

² Customer Window, Mail Stop Petition, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Virginia 22202.

³ (703) 872-9306 - please note this is a central facsimile number, and as such, there will be a delay in the delivery of the facsimile to the undersigned, which could be as much as one month.